

## **Article 13 – Mixed-Use Zones**

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### **25.13.01 – Purpose**

- a. The purposes of the Mixed-Use Zones are as follows:
  - 1. To create high-quality neighborhoods and zones that are attractive and pedestrian-oriented;
  - 2. To allow for a mix of different types of land uses in a compatible manner, both vertically and horizontally;
  - 3. Consistent with the Environmental Guidelines, to ensure the provision of public spaces that enhance the built environment;
  - 4. To minimize automobile use and maximize the use of public transportation, bicycle, and pedestrian access within the City;
  - 5. To promote a variety of uses in close proximity to each other in compliance with the Master Plan’s recommendations;
  - 6. To establish performance standards to ensure that allowed uses will not create a nuisance for other uses within the same development;
  - 7. To provide standards and guidelines for assuring that the appearance and design of buildings, structures, and neighborhoods are compatible with existing nearby buildings and structures, and/or complies with any adopted design guidelines in the relevant Plan for the area in which the building or structure is to be located;
  - 8. To provide for a variety of residential uses and diverse styles of housing which are compatible with the intent of each of the Mixed-Use Zones; and
  - 9. To provide for more efficient land use, particularly a development pattern more flexible in adjusting to market conditions and local growth fluctuations.
- b. In order to achieve these purposes, the Mixed-Use Zones permit a variety of uses within the allowable building envelopes, which can include residential, offices, and retail sales, and in certain zones light industrial uses.

### **25.13.02 - Zones Established**

To achieve the intent of the recommendations of the Master Plan, each mixed-use zone contains different sets of standards and requirements to respond to the needs of individual neighborhoods of the City. These mixed-use zones are listed below, along with a description of the purpose of each zone.

Type of Zone	Distinguishing Feature	Name of Zone
<b>Mixed Use</b>	Intended for use in areas near Metro stations, it allows for high-density development of retail, office, and residential uses consistent with the recommendations of the Plan.	Mixed-Use Transit District Zone ("MXTD") <sup>1</sup>
	Intended for areas along major highway corridors outside of the MXTD Zone areas, it allows for medium density development of retail, office, and residential uses. Because of the nature of highway corridor areas, the zone provides flexibility in the siting of buildings relative to major roadways and other site requirements to accommodate service drives and required parking.	Mixed-Use Corridor District Zone ("MXCD")
	Intended for areas that are either currently developed or are recommended for development primarily for office, light industrial, and industrial park uses, this zone allows for medium density development of office, retail, and residential uses. A mix of office and residential uses, including live/work and work/live units, is encouraged.	Mixed-Use Employment ("MXE")
	Intended for areas that are either currently developed or recommended for development primarily for retail sales, neighborhood services, home improvement services, and compatible residential development in areas convenient to both higher-density commercial zones and single-unit detached residential uses. This zone allows for a range of densities as determined by the applicable master plan and permits retail, service, office, and residential uses.	Mixed-Use Business ("MXB")
<b>Mixed Use</b>	Intended for sites that are either currently developed or recommended for development primarily for local retail and service uses in areas either within or in close proximity to single unit detached residential uses. This zone allows for low to moderate density development of retail, service, office, and residential uses. This zone is not intended to provide for major employment, so office uses are limited.	Mixed-Use Neighborhood Commercial ("MXNC")

<sup>1</sup> For purposes of satisfying the requirements of Article 2B, 9-102.1(g) "Rockville license," of the Annotated Code of Maryland, property within this zone shall be deemed to be within the Rockville Town Center zone.

Type of Zone	Distinguishing Feature	Name of Zone
	Intended for sites that are either currently developed or recommended for development primarily for local retail and service uses in areas either within or in close proximity to single-unit detached residential uses. This zone allows for low density development of retail, service, office, and residential uses. This zone is not intended to provide for major employment, so office uses are limited.	Mixed-Use Commercial ("MXC")
	Intended for areas that are located between moderate or high-density development and single-unit detached residential neighborhoods. This zone allows for development of low density multi-unit, attached and townhouse residential development, and may include other neighborhood-serving uses.	Mixed-Use Transition ("MXT")

Note: Provisions for development in Planned Development areas are contained in Article 14.

### 25.13.03 – Land Use Tables

The uses permitted in the Mixed-Use Zones are as shown in the table below. Uses are subject to applicable conditions of site plan approval. All special exceptions are subject to the requirements of Article 15.

	Uses	Zones							Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
<b>a. Residential uses</b>	Dwelling, single unit detached	N	C	C	C	C	P	P	Conditional use subject to the requirements of Sec. 25.13.04.a.
	Dwelling, semi-detached (duplex)	N	N	C	P	C	N	P	Conditional use subject to the requirements of Sec. 25.13.04.a.
	Dwelling, townhouse	P	P	P	P	P	N	C	Conditional use subject to the requirements of Sec. 25.13.04.a.
	Dwelling, attached	P	P	P	P	P	N	C	Conditional use density must not exceed 6 dwelling units per acre
	Dwelling, multiple-unit	P	P	P	P	P	C	C	Conditional use subject to the requirements of Sec. 25.13.04.a.
	Live/work unit	P	P	P	P	P	P	P	
	Personal living quarters	P	P	P	P	P	N	P	
<b>b. Swimming pool, Accessory</b>		P	P	P	P	P	P	P	
<b>c. Home-based business enterprise</b>	No impact	P	P	P	P	P	P	P	See Sec. 25.09.07b.
	Major	S	S	S	S	S	P	S	See Secs. 25.09.07c and 25.15.02.h
<b>d. Institutional uses</b>	Adult day care	P	P	P	P	P	P	S	
	Charitable or philanthropic institution	P	P	P	C	C	C	C	Conditional uses must not exceed 5,000 sq. ft. of gross floor area
	Child care home	C	C	C	P	P	P	P	Conditional use permitted only in single-unit detached dwelling
	Child care center:								
<b>Institution</b>	9 – 12 children	P	P	P	P	P	P	P	

	Uses	Zones							Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
<b>-al uses (con't)</b>	More than 12 children	P	P	P	P	P	P	P	
	Educational institution, private	P	P	P	P	S	P	S	See Sec. 25.15.02.g
	Housing for senior adults and persons with disabilities	P	P	P	S	P	S	S	Special exception subject to Sec. 25.15.02.j
	Library, museum, and art gallery or studio	P	P	P	P	C	C	C	Conditional uses must not exceed 5,000 sq. ft. of gross floor area
	Nursing home	N	P	P	S	S	N	S	Special exception subject to Sec. 25.15.02.i
	Place of worship	P	P	P	P	P	P	P	
<b>e. Medical services</b>	Ambulance service	N	P	P	C	C	C	N	Conditional use must not adjoin or confront residential uses
	Hospital	S	S	P	S	S	N	N	Special exception subject to Sec. 25.15.02.i
	Veterinary office and/or animal hospital	P	P	P	P	C	P	C	Conditional uses must not exceed 2,500 sq. ft. of gross floor area.
<b>f. Miscellaneous uses</b>	Kennel	N	N	C	N	N	N	N	Conditional use must not have outside runs
	Private club	P	P	P	P	S	N	S	
	Public utility building and structure	P	P	P	P	P	P	C	Conditional uses in buildings must have a residential appearance and comply with the height, bulk and setback requirements of the relevant zone
<b>Miscellaneous uses (con't)</b>	Publicly-owned or publicly-operated building and use, excluding sanitary landfill	P	P	P	P	P	P	P	

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		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
	Wireless communication facility entirely within an existing building or on the roof or side of a building, or attached to an existing structure	C	C	C	C	C	C	C	Conditional use subject to the requirements of Sec. 25.09.08
	Wireless communication freestanding ground mounted antenna support structure	S	S	S	S	S	S	S	See Sec. 25.09.08 and 25.15.02.s
<b>g. Temporary uses</b>	Temporary building or yard for construction materials or equipment	C	C	C	C	C	C	C	Conditional use subject to the requirements of Sec. 25.09.04
	Portable Storage Units	C	C	C	C	C	C	C	
	Temporary office or model home	C	C	C	C	C	C	C	
	Christmas tree sales	C	C	C	C	C	C	C	
	Sale of Garden produce	C	C	C	C	C	C	C	
	Temporary carnival, flea market, or local festival	C	C	C	N	N	C	N	
<b>h. Commercial, office, and industrial uses</b>	<b>Retail sales and services:</b>								
	Alcoholic beverages for consumption off the premises	P	P	P	N	C	C <sup>1</sup>	C	For conditional use, tenant area limited to 5,000 sq. ft. of gross floor area

	Uses	Zones							Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
	Alcoholic beverages for consumption on the premises of any restaurant	P	P	P	P	P	P	P	
	Auctioneer and commercial gallery	P	P	P	P	C	C	C	For conditional use, tenant area limited to 2,500 sq. ft. of gross floor area
	Boats and marine supplies	N	C	C	C	N	N	N	For conditional use, all sales and storage must be indoors
	Business equipment sales and service	P	P	P	P	N	P	N	
	Consumable goods to be used in the home	P	P	P	P	P	P	C	Conditional uses limited to 2,500 sq. ft. of gross floor area for each tenant, other than a grocery store or drug store
	Drug store with drive-through	C	C	C	C	C	C	C	See Sec. 25.13.04.c
	Durable goods to be used in the home	P	P	P	P	P	C	N	For conditional use, tenant area is limited to 2,500 sq. ft. of gross floor area
	Flowers, except from outdoor garden or greenhouse	P	P	P	P	P	C	C	For conditional use, tenant area is limited to 2,500 sq. ft. of gross floor area
<b>Commercial, office, and industrial uses (con't)</b>	Funeral home	C	C	C	C	C	C	C	Cremations permitted only where existing as of March 16, 2009
	Garden supplies	C	C	C	C	C	C	C	Indoor sales only
	Home improvement service	N	N	P	P	N	N	N	

	Uses	Zones							Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
	Home maintenance services	P	P	P	P	P	P	P	
	Mobile uses	C	C	C	C	C	C	C	See Sec. 25.09.04.d.5
	Multiple product range retail store (department store)	P	P	N	N	C	N	N	Conditional use limited to a maximum of 25,000 sq. ft. of gross floor area.
	Personal care facility	P	P	P	P	P	P	P	
	Personal Services Office	P	P	P	P	P	P	P	
	Pet grooming	N	P	P	P	P	P	P	
	Pet Sales	N	P	P	P	P	N	N	
	Public transportation station	P	P	P	C	C	C	C	Conditional use must comply with any recommendations of the Plan
	Repair of household appliances, inc'l home electronic equipment	P	P	P	P	P	P	N	
	Taxicab service	N	N	S	P	N	N	N	Special exception subject to Sec. 25.15.02.q
	Wearing apparel and related accessories	P	P	P	P	P	C	C	Conditional uses limited to 2,500 sq. ft. of gross floor area for each tenant
Commercial, office, and industrial uses (con't)	Wearing apparel services	P	P	P	P	P	P	P	
	Food Services:								



	Uses	Zones						Conditional requirements or related regulations	
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)		Mixed-Use Transition (MXT)
	Ancillary restaurant	P	P	P	N	N	N	N	Use cannot exceed 5% of the total gross floor area of the building. No drive-through or walk-up service is permitted. The bar patron area cannot exceed 10% of the total patron use area.
	Carry-out	P	P	P	P	P	P	P	
	Caterer, no seating	P	P	P	P	N	N	N	
	Restaurant, no drive-through	P	P	P	P	P	P	P	
	Restaurant with drive-through	N	S	N	S	N	S	N	See Sec. 25.15.02.c
	Office Uses:								
	Archival Record Storage	N	N	P	P	C	N	N	Conditional use allowed if located in a basement or cellar
	Bank or financial institution	P	P	P	P	P	P	P	
	Bank or financial institution with drive/through	C	C	C	C	C	C	C	Conditional use subject to the requirements of Sec. 25.13.04.c
	Duplicating service	P	P	P	P	P	C	C	Conditional uses limited to 2,500 sq. ft. of gross floor area
	Medical or dental laboratory	P	P	P	P	C	N	N	Conditional use allowed if located in a basement or cellar
	Non-medical research laboratory	N	N	P	P	N	N	N	

	Uses	Zones							Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
	Office including medical and professional	P	P	P	P	P	P	P	
	<b>Motor vehicle services:</b>								
	Automobile parts sales; no installation or service	N	P	P	P	P	N	N	
<b>Commercial, office, and industrial uses (con't)</b>	Automobile filling station (Class I and II)	S	S	S	N	S	S	N	See Sec. 25.15.02.c
	Automobile fluid maintenance station	N	P	P	P	N	N	N	
	Automobile rental	P	P	P	P	N	P	N	
	Automotive repair garage	N	N	P	P	N	N	N	
	Mechanical car wash	N	P	P	N	N	N	N	
	Motor vehicle and trailer sales, excluding trucks and trailers exceeding three-fourths-ton capacity,, including new and reconditioned parts and accessories and service incidental thereto. <sup>2</sup>	N <sup>3</sup>	C	C	C	N	N	N	See footnote 2
	Motor vehicle towing service, without storage on the premises	N	N	N	P	N	N	N	
	Tires, batteries and accessory sales, including service incidental thereto.	N	N	N	P	C	N	C	

	Uses	Zones							Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
	<b>Parking facilities:</b>								
	Commercial parking facility	C	C	C	C	N	N	N	Conditional use subject to the requirements of Sec. 25.13.04.d
<b>i. Assembly and entertainment</b>	Health and fitness establishment	P	P	P	P	C	C	C	Conditional use limited to 4,000 gross square feet of floor area. No floor area limit if located in a basement of cellar
	Hotel	P	P	P	P	S	N	N	
	Indoor entertainment establishment, commercial, except shooting gallery	P	P	P	P	C	N	N	Conditional use subject to a Level 2 Site Plan Review
	Outdoor recreational establishment, commercial, except shooting gallery	S	S	S	N	S	N	N	
	Recreational establishment, indoor, commercial, except shooting gallery	N	P	P	P	C	N	N	Conditional use allowed if located in a basement or cellar
	Rental hall for meetings and social occasions	P	P	P	P	C	N	N	Conditional uses limited to a maximum of 4,000 square feet of gross floor area. No floor area limit if located in a basement of cellar
	Shooting gallery	N	N	S	N	N	N	N	
	Sports facility, multi-purpose, indoor commercial	P	P	P	P	C	N	N	Conditional use allowed if located in a basement or cellar

	Uses	Zones							Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
	Theater, including dinner theater	P	P	P	P	P	N	N	
<b>j. Industrial and service uses</b>	Light industrial use	N	N	P	N	N	N	N	
	Service industrial use	N	N	P	C	N	N	N	Conditional use must not adjoin or confront single-unit dwellings

Key: P = Permitted Use; C = Conditional Use; S = Special Exception; N = Not Permitted

<sup>1</sup>Conditional use in the MXC Zone is not permitted when adjoining a residential zone.

<sup>2</sup>Special provisions for motor vehicle and trailer sales:

- a. All buildings, off-street parking and loading areas and all outdoor storage and display of motor vehicles must be set back 50 feet from any adjoining or abutting land classified in a residential zone. Where the Plan recommends a setback from a public street greater than the minimum required, the Plan takes precedence.
- b. The storage of waste material, auto parts, refuse and motor vehicles is prohibited in any required setback area.
- c. The requirement for providing public use space may be met in whole or in part through the fee-in-lieu process as set forth in Article 17.

<sup>3</sup> Except that new and/or expanded motor vehicle and trailer sales including new and reconditioned parts and accessories and service incidental thereto are permitted on those properties on which such uses are located as of March 16, 2009

#### 25.13.04 – Special Regulations for Conditional Uses

- a. *Residential* – Where residential uses are permitted as conditional uses in a Mixed- Use Zone, other than the MXC Zone, they are only allowed in those areas of the zone recommended for such use in the Plan. The Planning Commission in approving such conditional uses shall establish such development standards as deemed necessary to render such uses suitable and compatible with the surrounding uses and in accordance with the intent of the Plan. In the Mixed-Use Commercial (MXC) Zone, multiple-unit dwellings are not permitted at the ground floor level.
- b. *Drug Store with Drive-Through Service Window* – In the MXTD Zone, the drive-through must be incorporated and enclosed within a building or structure. In the other zones where allowed, the drive-through must be arranged so as to not obstruct traffic circulation within the site. Sufficient reservoir spaces must be provided and must be located so as not to obstruct vehicle or pedestrian circulation or parking within the site or accessing the site.

- c. *Banks and Financial Institutions with Drive-Through* – In the MXTD Zone, the drive-through must be incorporated and enclosed within a building or structure. In the other zones where allowed, the drive-through must be arranged so as to not obstruct traffic circulation within the site. Sufficient reservoir spaces must be provided and must be located so as not to obstruct vehicle or pedestrian circulation or parking within the site or accessing the site.
- d. *Commercial Parking Facility* – A commercial Parking Facility is only permitted in the form of a parking structure. At least 75 percent of the ground level floor street frontage must be devoted to commercial uses.

#### **25.13.05 –Development Standards**

- a. *Build-To Lines* – Where a build-to line established in the Plan is required, at least 70 percent of the length of the building wall facing that line must be set at the build-to line. Development must also comply with the building restriction line provisions set forth in Sec. 25.17.08
- b. *Development Standards*
  - 1. The following table sets forth the development standards for each of the Mixed-Use Zones:

Zone	Maximum Height (in feet) <sup>2</sup>	Open Area and Public Use Space <sup>3</sup>		Minimum width at front lot line (in feet)	Setbacks					Special Regulations
		Total open area required	Public use space required within open area		Public right-of-way abutting	Side		Rear		
						Residential land abutting	Non-residential land abutting <sup>1</sup>	Residential land abutting	Non-residential land abutting	
<b>MXTD</b>	120	10% (15% if residential dwellings are provided)	10%	10	None	25' or height of building, whichever is greater	None. 10' min. if provided	25' or height of building, whichever is greater	None. 10' min. if provided	See Sec. 25.13.05.b.2(a) and 25.13.05.b.2(d)
<b>MXCD</b>	75	For sites <20,000 sq. ft.- 10%	5%	10	None	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	See Sec. 25.13.05.b.2(a) and 25.13.05.b.2(d)
		For sites'20,000 sq. ft. or more 15%	10%							
<b>MXE</b>	120	20%	5%	10	None required. 10' min. if provided	25' or ½ height of building, whichever is greater	None required. 10' min. if provided	25' or ½ height of building, whichever is greater	None required. 10' min. if provided	See Sec. 25.13.05.b.2(d)
<b>MXB</b>	55	For sites <20,000 sq. ft.- 10%	-	10	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	
		For sites'20,000 sq. ft. or more 10%	5%							

Zone	Maximum Height (in feet) <sup>2</sup>	Open Area and Public Use Space <sup>3</sup>		Minimum width at front lot line (in feet)	Setbacks					Special Regulations
		Total open area required	Public use space required within open area		Public right-of-way abutting	Side		Rear		
						Residential land abutting	Non-residential land abutting <sup>1</sup>	Residential land abutting	Non-Residential Land abutting	
MXNC	45 <sup>4</sup>	For sites <20,000 sq. ft.- 10%	-	10	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	See Sec. 25.13.05.b.2(d)
		For sites'20,000 sq. ft. or more 10%	5%							
MXC	30	10%	-	10	15	15'	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	
MXT	35	10%	-	10	10	10	None	20'	None required. 10' min. if provided	

<sup>1</sup>*Nonresidential Land Abutting Side Setback* – This term also includes multi-unit residential uses with a height of 45 feet or greater

<sup>2</sup>Height is subject to the provisions of Section 25.13.05.b.2, below.

<sup>3</sup>Where the applicable master plan makes specific recommendations on the provision of amenity area and public use space requirements, the master plan recommendation must be taken into consideration by the approving authority when reviewing a development project.

<sup>4</sup>Open area and public use space requirements for development above 45 feet are shown in Sec. 25.13.05.b.2(c).

## 2. *Building Height*

### (a) *MXTD Zone* –

- i. Building facades should have a range of heights of between 45 feet and 65 feet at the street. Additional height up to 120 feet at the street may be allowed where recommended by the Plan or where approved by the Mayor and Council as part of a Project Plan under Section 25.07.07. Building facades that exceed 250 feet in length should vary the façade height by at least ten feet (10') for some distance along the length of the facade in order to avoid a monotonous, monolithic appearance.
- ii. Where recommended in the Plan, or if approved by the Mayor and Council as part of a Project Plan approval in accordance with Section 25.07.07, building height may be increased beyond 120 feet up to 150 feet under the following conditions:
  - A. The public use space requirement must be provided on the site;
  - B. The building footprint cannot occupy more than 80% of the net lot area;
  - C. The building design exceeds the urban design recommendations of the applicable Master Plan; and
  - D. The building must exceed any energy conservation standards set forth in this Code.

(b) *MXCD Zone*– Building facades should have a range of heights of between 35 and 50 feet at the street. Additional height up to 75 feet at the street may be allowed where recommended by the Plan or where approved by the Mayor and Council or Planning Commission as part of a Project Plan or site plan under Section 25.07.06 or Section 25.07.05 as applicable. Building facades that exceed 250 feet in length should vary the façade height by at least ten feet (10') for some distance along the length of the facade in order to avoid a monotonous, monolithic appearance.

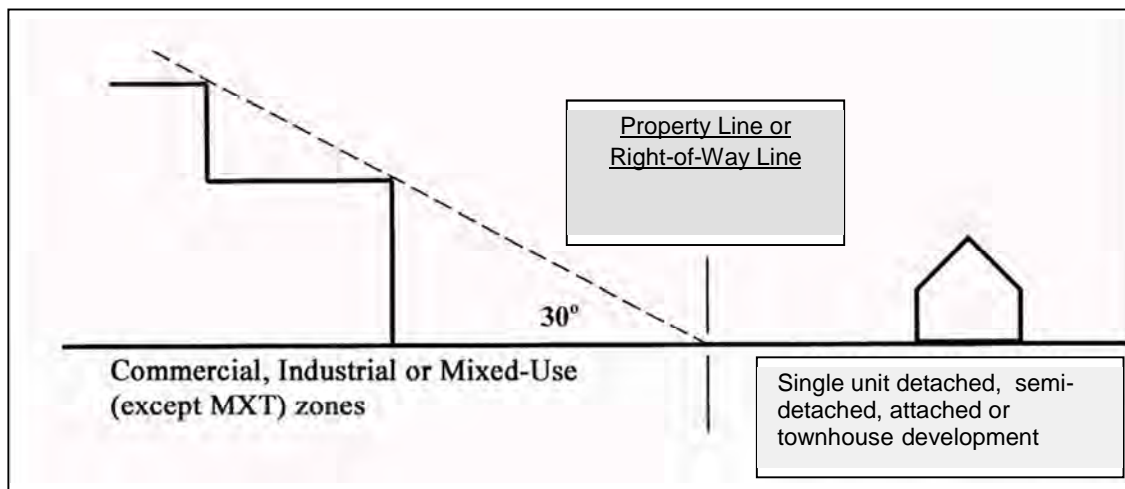
(c) *MXNC Zone* - Building height may be increased up to 65 feet when found suitable in accordance with the Plan. If the Plan makes no other recommendation, development between 45 feet and 65 feet must provide 15 percent open area, of which 10 percent must be public use space.

(d) *Layback Slope* – In addition to the height limits set forth in this Article 13, building height cannot penetrate a layback slope line of 30 degrees, beginning from the closest ground point of the lot line of any property in any residential zone where single unit detached, semi-detached, attached, or townhouse development exists or such development is recommended in the Plan, without regard to intervening roads or other transportation facilities as shown in Figure 13.1. This layback slope requirement does not apply to

- i. Areas adjacent to the MXT Zone;



- ii. Nonresidential historic sites in the Mixed Use Zones;
- iii. Sites in Single Unit Detached Residential zones developed or recommended for non residential uses;
- iv. Areas adjacent to Metro rapid transit or railroad right of way
- v. Areas within a PD Zone; or
- vi. Areas adjacent to the MXC Zone.



**Figure 13.1- Layback Slope Example**

*c. Other Standards and Requirements for New Development or Redevelopment*

1. *Conversion of Space* - Areas of a building originally designed for commercial or office use are encouraged to be designed to accommodate the conversion of the space to residential uses.
2. *Entryways* - Areas of a building originally designed for residential use at the ground floor level, having individual entries to the units, should have the entry from the ground level raised at least two (2) feet, or have another form of demarcation between the public sidewalk and the private entry. In order to be readily convertible to retail space, such areas must have a minimum ceiling height of 15 feet.
3. *Access* - Areas of a building intended for nonresidential uses must not have any access to areas of the building used for residential purposes. The residential areas must have their own private entries.
4. *Moderately Priced Dwelling Unit Ordinance Compliance* - Any development that includes residential units must comply with the Moderately Priced Dwelling Unit requirements of Chapter 13.5 of the Code.

5. *Public Use Space* - In the Mixed-Use Zones, public use space shall be provided consistent with the provisions of Section 25.17.01.
6. *Floor Area Limitation* – Retail commercial uses by a single tenant cannot occupy more than 65,000 square feet of floor area at the ground level. This limit only applies to the ground area footprint, and does not limit additional floors devoted to the single tenant so long as each of the additional floors does not exceed 65,000 square feet.

#### **25.13.06 – Additional Design Guidelines**

- a. *Purpose.* It is the purpose of this section to establish guidelines that will promote the highest quality of development in the Mixed Use Zones. New development or redevelopment should be consistent with the intent and purpose of the following guidelines.
- b. *Aesthetic and Visual Characteristics for All Zones*
  1. *Facades and Exterior Walls Including Sides and Backs* – Buildings should be designed in a way that avoids massive scale and uniform and impersonal appearance and that will provide visual interest consistent with the community's identity, character, and scale. It is recommended that building walls greater than 100 feet long include projections, recessions, or other treatments sufficient to reduce the unbroken massing of the façade along all sides of the building facing public streets.
    - (a) Along any public street frontage building, design should include windows, arcades, awnings or other acceptable features along at least 60 percent of the building length. Arcades and other weather protection features must be of sufficient depth and height to provide a light-filled and open space along the building frontage. Architectural treatment, similar to that provided to the front facade must be provided to the sides and rear of the building to mitigate any negative view from any location off-site and any public area (e.g. parking lots, walkways, etc.) on site.
    - (b) Buildings should include architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall along those sides fronting on public streets with color, texture change, wall offsets, reveals, or projecting ribs.
  2. *Roofs* – Roof design should provide variations in rooflines where appropriate and add interest to, and reduce the massive scale of, large buildings. Roof features should complement the architectural and visual character of adjoining neighborhoods. Roofs should include two (2) or more roof planes. Parapet walls should be architecturally treated to avoid a plain, monotonous look. For energy-saving purposes, roof design should also include a light color surface or be planted with vegetation.
  3. *Materials and Color*
    - (a) *General Provisions* - Buildings should have exterior building materials and colors that are compatible with materials and colors that are used in adjoining

neighborhoods. Certain types of colors should be avoided such as fluorescent or metallic, although brighter colors may be considered at the discretion of the Planning Commission.

- (b) *Materials Not Desired* - Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials should be avoided unless the exterior surface is covered.
4. *Items Allowed Not Facing a Public Street* - The following items are only allowed either on sides not facing a public street or in the rear yard:
- (a) Window and wall air conditioners;
  - (b) Electric utility meters;
  - (c) Air conditioning compressors; and
  - (d) Irrigation and pool pumps;

This provision does not apply to single-unit detached, semi-detached, attached or townhouse dwellings that may be located in a Mixed-Use Zone.

5. *Entryways* – Building design must include design elements which clearly indicate to customers where the entrances are located and which add aesthetically pleasing character to buildings by providing highly visible customer entrances.
6. *Screening of Mechanical Equipment* – Mechanical equipment must be screened to mitigate noise and views in all directions. If roof-mounted, the screen must be designed to conform architecturally to the design of the building either with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable.

c. *Site Design and Relationship to Surrounding Community*

1. *Vehicular Access* – In the MXTD, MXCD, and MXE zones, each site must provide safety and protection to adjacent residential uses by having motor vehicle access only from an arterial, major, or business district road as designated in the Plan.
2. *Buffers* – Each site must provide visual and noise buffers to nearby residential uses. This can be accomplished by providing a substantial building setback from a residential use or residentially zoned property that is adjacent to the site. A landscape buffer of substantial width should be provided adjacent to any property line where it adjoins residential uses or zones. The landscape buffer should include a variety of tree types at regular intervals with groupings of trees to provide noise, light, and visual screening. No other uses, such as, but not limited to, parking or storage, are permitted within the buffer area.
3. *Outdoor Sales and Storage*
- (a) *General Standards* - Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access. Such areas must be incorporated into the overall design of the building and

landscaping and must be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building facade. Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment, except for motor vehicle and trailer sales.

- (b) *Prohibition of Certain Sales and Storage* - Outdoor storage of products in an area where customers are not permitted is prohibited. This prohibition includes outdoor storage sheds and containers. Outdoor storage of motor vehicles in connection with a motor vehicle sales business is allowed.

#### 4. *Trash Recycling, Waste Oil/Grease Collection Area*

- (a) *Location* - Trash, recycling, and waste oil/grease collection areas must be located at least 50 feet from any residential use, residentially zoned property, or street that is adjacent to the site, unless such operations are located entirely within an enclosed building or underground. All such areas must be properly covered or secured.
- (b) *Screening* - All trash recycling, and waste oil/grease collection areas that are not within an enclosed building or underground must be properly secured and covered and screened or recessed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties. Screening and landscaping of these areas must conform to the predominant materials used on the site.

#### 5. *Parking Lots and Structures*

- (a) *Parking Area Standards* - Parking areas must provide safe, convenient, and efficient access. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks, and to reduce the overall scale of the paved surface. Landscaping should be used to define parking areas, primary vehicular drives, and pedestrian areas in an aesthetically and environmentally pleasing manner.
  - (b) *Parking Structure Appearance* - Parking structure facades should achieve the same high quality design and appearance as the buildings they serve. The parking structures' utilitarian appearance should be minimized by utilizing effective design treatments such as colonnades, planted ("green") walls, arcades, awnings, street furniture and other public amenities. Compatible materials, coordinated landscaping and screening, appropriate building color, sensitive lighting, and signage should all be considered for garage facades.
6. *Pedestrian and Bicycle Flows* – Each site must provide for pedestrian accessibility, safety, and convenience to reduce traffic impacts and enable the development of the project. Continuous internal pedestrian walkways, no less than six feet (6') in width should be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. Sidewalks should also connect retail uses to transit stops on or off-site and to nearby residential neighborhoods. Sidewalks should be provided along the full length of any building

where it adjoins a parking lot. On-site bicycle travel must be provided in accordance with Section 25.16.06.

7. *Central Features and Community Spaces* – Development should provide attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lot locations shall be functional and inviting with walkways conveniently tied to logical destinations. Bus stops should be considered integral parts of the configuration whether they are located on-site or along the street. Customer drop-off/pick-up points that may be provided should also be integrated into the design and should not conflict with traffic lanes or pedestrian paths. Special design features such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features that define circulation paths and outdoor spaces should anchor pedestrian ways. Examples are outdoor plazas, patios, courtyards, and window shopping areas. Each development should have at least two (2) of these areas.
8. *Delivery and Loading Spaces, Hours of Operation*
  - (a) *Design* - Delivery and loading operations must be designed in accordance with the provisions of Article 16 and located so as to mitigate visual and noise impacts to adjoining residential neighborhoods. If there is a residential use or residentially zoned property adjacent to the site, such operations must not be permitted between 10 p.m. and 7 a.m. For good cause shown, the Planning Commission may permit deliveries at additional times provided the applicant submits evidence that sound barriers between all areas for such operations effectively reduce emissions to a level of 55 dB or less, as measured at the lot line of any adjoining property. Delivery and loading areas should be substantially set back from a residential use or residentially zoned property that is adjacent to the site. A landscape buffer of substantial width should be provided adjacent to the delivery and loading area where it adjoins residential uses or zones. The landscape buffer should include evergreen shrubs and/or trees plus deciduous canopy trees at regular intervals, as appropriate, to provide light, and visual screening. If the delivery and loading spaces are located within an enclosed building or underground, no such setback and buffer area shall be required.
  - (b) *Parking of Delivery Trucks* - Delivery trucks must not be parked in close proximity to or within a designated delivery or loading area during non-delivery hours with motor and/or refrigerators/generators running, unless the area where the trucks are parked is set back at least 50 feet from residential property to mitigate the truck noise.
  - (c) *Screening* - The delivery and loading areas should be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent properties. The screen must be of masonry or other suitable opaque material and at least ten feet (10') high, measured from the loading dock floor elevation, to screen the noise and activity at the loading dock.
9. *Ancillary Uses* – The applicant must demonstrate that any ancillary uses will not have negative impacts on adjacent residential uses, residentially zoned properties,

or adjacent properties. Any ancillary use should be oriented to face away from any residential use or residentially zoned property that is adjacent to the site.

10. *Noise Abatement* – A noise mitigation plan must be provided that indicates how the noise initiated by the land use will be mitigated to comply with noise regulations applicable in the City of Rockville. This includes compliance with the noise regulations set forth in Chapter 31B of the Montgomery County Code.
11. *Outdoor Lighting* – Outdoor lighting shall be in conformance with the *Landscaping, Screening and Lighting* manual.
12. *Landscaping* – Landscaping shall be in conformance with the *Landscaping Screening and Lighting* manual.

#### **25.13.07 – Special Design Regulations for Individual Mixed-Use Zones**

- a. *Mixed-Use Transit District Zone (MXTD)* – The MXTD Zone is intended to foster the implementation of the relevant Master Plan recommendations for areas in close proximity to the Metro rail stations.
  1. *Building Location* – In order to meet the intent of the Master Plan, buildings in the MXTD Zone should be located at the front property line(s), including corner lots, or the build-to line where established by the Plan. Access to the rear, if required, should be via alleys. If access is required from the front, the driveway entry should be a portal penetrating the façade of the building. The continuity of the building façade must be maintained above the drive entry.
  2. *Uses by Floor* – The ground floor must contain retail or public-related service uses along those streets designated in the Master Plan as major pedestrian spines. Ground floor retail is the preferred use along other streets, but is not required. The ground floor should normally have a ceiling height of at least 15 feet. At the time of site plan review or Project Plan review, the Approving Authority may consider a lower ceiling height if appropriate in the particular circumstance. The upper floors may be additional retail, office, residential, or a combination of uses. If the building contains only residential units, the ground floor may consist of residential units, but should be designed to facilitate conversion to retail or other commercial uses.
  3. *Facade* – The façade design must be consistent with the standards set forth in subsection 25.13.05.b.2(a). Where the façade height exceeds 35 feet, the façade should include an expression line above the first floor level and a defined cornice line at the top of the façade wall.
  4. *Fenestration* – Generally, fenestration of the stories above the ground floor should be by individual framed windows. Continuous strip windows may be allowed by the Planning Commission if they are used to maintain compatibility with existing contiguous projects.
  5. *Sidewalks* – Where sidewalks must be built new or rebuilt as part of redevelopment, they should comply with the provisions of Section 25.17.05.

6. *Parking* – On-site parking must be provided in accordance with the requirements of Article 16. Parking must be located to the side or in the rear of the buildings unless ground floor retail is provided, in which case limited parking may be allowed in the front to serve the retail uses. Structured parking, either above or below grade, is preferred. Any parking structure facades visible from the street or a transitway must be treated in the same manner as the primary building facades. All parking must be screened to prevent vehicle headlights from shining into adjoining residential properties.
- b. *Mixed-Use Corridor District Zone (MXCD)* – This zone is intended for areas along major highway corridors in areas near the MXTD Zone. It allows for moderate density development of retail, office, service, and residential uses. Because of the nature of the locations where it is applied, the zone provides some flexibility in the siting of buildings relative to major highways to accommodate service drives and required parking.
1. *Building Location* – In order to meet the intent of the Plan, buildings in the MXCD Zone should be located at the front property line or the build-to line where established by the Plan. Access should be to the rear, via alleys with access from the side street(s).
  2. *Uses by Floor* – The ground floor must contain retail or service uses dealing directly with the public along those streets designated in the Plan as major pedestrian spines. Ground floor retail is the preferred use along other streets, but is not required. The ground floor should normally have a ceiling height of at least 15 feet. At the time of site plan review or Project Plan review, the Approving Authority may consider a lower ceiling height if appropriate in the particular circumstance. The upper floors may be additional commercial, residential, or a combination of uses. If the building contains only residential units, the ground floor may consist of residential units, but should be designed to facilitate conversion to retail or other commercial uses.
  3. *Facades* – The façade design must be consistent with the standards set forth in subsection 25.13.05.b.2(b). Where the façade height exceeds 35 feet, the façade should include an expression line above the first floor level and a defined cornice line at the top of the façade wall.
  4. *Fenestration* - Generally, fenestration of the stories above the ground floor should be by framed individual windows. Continuous strip windows may be allowed by the Planning Commission if they are used to maintain compatibility with existing contiguous projects.
  5. *Sidewalks* – Where sidewalks must be built new or rebuilt as part of redevelopment, they should comply with the provisions of Section 25.17.05.
  6. *Parking* – On-site parking must comply with the standards and requirements of Article 16. Most parking should be located to the side or in the rear of the buildings. Structured parking, either above or below grade, is preferred. Any parking structure facades visible from the street or a transitway must be treated in a similar manner as the primary building facades. All parking at the sides or rear must be screened to prevent vehicle headlights from shining into adjoining residential properties.

- c. *Mixed-Use Employment Zone (MXE)* – This zone is intended for areas that are either currently developed or are recommended for development primarily for office and industrial park uses.
1. *Building Location* – Where recommended by the Plan, buildings in the MXE Zone should be located close to the front property line or at a build-to line (vis-à-vis, a service drive) where established by the Plan.
  2. *Uses by Floor* – The ground floor may contain retail and other commercial uses along those streets designated in the Plan as major pedestrian spines. The upper floors may be additional retail, office, residential, or a combination of uses.
  3. *Façade* – Along the front lot line, the building façade is normally a minimum of 20 feet high. Building facades taller than 35 feet should generally include an expression line at the first floor level, and a defined cornice line at the top of the façade wall.
  4. *Sidewalks* – Where sidewalks must be built new or rebuilt as part of redevelopment, they should comply with the provisions of Section 25.17.05.
  5. *Parking* – On-site parking must comply with the standards and requirements of Article 16. Most parking should be located to the side or in the rear of the buildings. Structured parking, either above or below grade, is preferred. Any parking structure facades visible from the street or a transitway must be treated in a similar manner as the primary building facades. All parking must be screened to prevent vehicle headlights from shining into adjoining residential properties.
  6. *Special Regulations for Residential Development in the MXE Zone*
    - (a) Residential uses may be allowed in those areas recommended for such uses in the relevant Plan, or where the Mayor and Council or the Planning Commission, as the case may be, determines that the use is compatible with adjoining and confronting uses by means of landscaping, screening, or other measures. In this case, residential development is limited to townhouses, multi-unit, or live-work units. Ground floor retail uses primarily intended to serve the residents may be included.
    - (b) Residential uses are permitted in buildings containing principally office uses, but are limited to no more than 20 percent of the gross floor area.
    - (c) In order to maintain compatibility, residential uses other than live-work units are not permitted in buildings that house primarily service industrial or other primarily industrial uses.
- d. *Mixed-Use Business Zone (MXB)* – Except as may be otherwise determined by the Plan, this zone is intended for areas that are either currently developed or recommended for development primarily for community business and retail services.
1. *Building Location* – Buildings in the MXB Zone should be located at or close to the front property line or the build-to line where required by the Master Plan.



2. *Uses by Floor* - The ground floor must contain commercial or service uses. The upper floors may be additional commercial, residential, or a combination of uses. If the building contains only residential units, the ground floor may consist of residential units, but should be designed to facilitate conversion to retail or other commercial uses. This provision does not apply where the applicable Master Plan recommends residential uses only.
  3. *Façade* – Along the front lot line, the building façade is normally a minimum of 15 feet high. Variations of up to five (5) feet are encouraged to achieve some variety in the façade appearance. Building facades taller than 35 feet should include an expression line at the first floor level, and a defined cornice line at the top of the façade wall.
  4. *Fenestration* - Fenestration is to be by framed individual windows. Continuous strip windows are discouraged unless they are used to maintain compatibility with existing contiguous projects.
  5. *Sidewalks* – Where sidewalks must be built new or rebuilt as part of redevelopment, they should comply with the provisions of Section 25.17.05.
  6. *Parking* – On-site parking must comply with the standards and requirements of Article 16. Most parking should be located to the side or in the rear of the buildings. Structured parking, either above or below grade, is preferred. Any parking structure facades visible from the street or a transitway must be treated in a similar manner as the primary building facades, and the ground level facing the street must be occupied by commercial or personal service uses. All parking must be screened to prevent vehicle headlights from shining into adjoining residential properties.
  7. *Adjacent to Residential* – Where the MXB Zone confronts or is immediately adjacent to any property used or recommended in the Plan for single unit residential development, the architectural design of buildings adjoining, adjacent, or confronting such single unit residential uses should reflect compatible design and character with the existing residential buildings in the immediate vicinity.
- e. *Mixed-Use Neighborhood Commercial Zone (MXNC)* – This zone is intended for areas that are either currently developed or recommended for development primarily for neighborhood retail services.
1. *Building Location* – Buildings in the MXNC Zone should be located at or close to the front property line or the build-to line where required by the Plan.
  2. *Uses by Floor* - The ground floor may include both commercial and residential uses. The upper floors may contain additional commercial, residential, or a combination of uses.
  3. *Façade* – Along the front lot line, the building façade is normally a minimum of 15 feet high. Variations of up to five (5) feet are encouraged to achieve some variety in the façade appearance. Building facades taller than 35 feet should include an expression line at the first floor level, and a defined cornice line at the top of the façade wall.

4. *Fenestration* - Fenestration is to be by framed individual windows. Continuous strip windows are discouraged unless they are used to maintain compatibility with existing contiguous projects.
  5. *Sidewalks* – Where sidewalks must be built new or rebuilt as part of redevelopment, they should comply with the provisions of Section 25.17.05.
  6. *Parking* – On-site parking must comply with the standards and requirements of Article 16. Most parking should be located to the side or in the rear of the buildings. Structured parking, either above or below grade, is preferred. Any parking structure facades visible from the street must be treated in the same manner as the primary building facades. All parking must be screened to prevent vehicle headlights from shining into adjoining residential properties.
- f. *Mixed-Use Commercial Zone (MXC)* – This zone is intended for areas that are either currently developed or recommended for development primarily for neighborhood retail services.
1. *Building Location* – Consistent with the operational characteristics of the use, buildings in the MXC Zone should be located close to the front property line or at the build-to line where required by the Plan.
  2. *Uses by Floor* – Except in the case of single-unit detached residential buildings, the ground floor must contain commercial uses. The upper floors may contain additional commercial, residential, or a combination of uses.
  3. *Façade* – Along the front lot line, the building façade is normally a minimum of 15 feet high. Variations of up to five (5) feet are encouraged to achieve some variety in the façade appearance.
  4. *Fenestration* – Fenestration of the upper floors is to be by framed individual windows. Continuous strip windows are discouraged unless they are used to maintain compatibility with existing contiguous projects.
  5. *Sidewalks* – Where sidewalks must be built new or rebuilt as part of redevelopment, they should comply with the provisions of Section 25.17.05.
  6. *Parking* – On-site parking must comply with the standards and requirements of Article 16. Parking should be located to the side or in the rear of buildings to the extent possible. Structured parking, either above or below grade, is preferred. Any parking structure facades visible from the street must be treated in the same manner as the primary building facades. All parking must be screened to prevent vehicle headlights from shining into adjoining properties.
- g. *Mixed-Use Transition Zone (MXT)* – This zone is intended for areas that are located between medium and high-intensity development and single-unit dwelling detached residential neighborhoods. This zone allows for development of multi-unit and townhouse residential development, and may include neighborhood-serving retail uses.
1. *Building Location* – Buildings in the MXT Zone should be located at or close to the front property line or the build-to line where established by the Plan.

2. *Uses by Floor* – The ground floor may contain retail, public-related service, office, or residential uses. The upper floors may be additional retail, office, residential, or a combination of uses.
3. *Façade* – Building facades should be generally consistent with the façade designs in the immediate neighborhood. Roofs should have a pitch compatible with nearby single-unit residential development.
4. *Fenestration* - Fenestration is to be by framed individual windows. Continuous strip windows are discouraged unless they are used to maintain compatibility with existing contiguous projects.
5. *Sidewalks* – Where sidewalks must be built new or rebuilt as part of redevelopment, they should comply with the provisions of Section 25.17.05.
6. *Parking* – On-site parking must comply with the standards and requirements of Article 16. Most parking should be located to the side or in the rear of the buildings. Structured parking, either above or below grade, is preferred and may not be visible from a public street. Any parking structure facades visible from the street must be treated in the same manner as the primary building facades. All parking must be screened to prevent vehicle headlights from shining into adjoining residential properties.
7. *Adjacent to Residential* – Where the MXT Zone is opposite or immediately adjacent to any property zoned or recommended in the Plan for single-unit detached residential development, the architectural design of buildings adjoining or confronting one-family residential uses should reflect the design and character of the existing residential buildings in the immediate vicinity.

#### **25.13.08 – Accessories**

All accessory uses within mixed-use zones must comply with the provisions of Article 9 of this Chapter.

#### **25.13.9 – Nonconformities**

All nonconforming uses and structures within Mixed-Use Zones must comply with the provisions of Article 8 of this Chapter.

#### **25.13.10 – Parking and Loading Requirements**

All parking and loading within Mixed-Use Zones must comply with the provisions of Article 16 of this Chapter

#### **25.13.11 - Landscaping and Buffer Requirements**

All landscaping and buffering within Mixed-Use Zones must comply with the provisions of Article 17 of this Chapter and, where applicable, the Forest and Tree Preservation Ordinance.

#### **25.13.12 – Signs**

All signs within Mixed-Use Zones must comply with the provisions of Article 18 of this Chapter.